

# Montana Planning News

from the  
Montana State Library



# ONTANA PLANNING NEWS

August  
1978

Department of Community Affairs Planning Division

PLEASE



STATE DOCUMENTS COLLECTION

AUG 22 1978

MONTANA STATE LIBRARY

930 E Lyndale Ave.  
Helena, Montana 59601

## Twelve Areas To Get Small Cities Grants

Twelve of the fifty-two Montana cities, towns, and counties submitting pre-applications for funding under this year's Community Development Block Grant (CDBG) "Small Cities" program have been encouraged to proceed by the U.S. Department of Housing and Urban Development. The successful communities planning to implement comprehensive programs are Butte-Silver Bow, Dillon, Kalispell, Helena, and Missoula County. Single-purpose programs will be developed by Cascade County (for Black Eagle), Stillwater County, Livingston, Granite County (for both Philipsburg and Drummond), Lewistown, and Chinook.

The CDBG program is one tool local governments can use to deal with a variety of community needs—water and sewer line installation; paving of streets, curbs, and gutters; housing rehabilitation; acquisition and demolition of derelict structures; neighborhood facility improvement; and more. In an effort to make this valuable resource available to more Montana communities, the planning division of the Department of Community Affairs is offering its technical assistance services to this year's unsuccessful applicants who wish to improve their proposals prior to the 1979 funding round and to other communities who may wish to enter the competition for the first time.

In addition to helping local governments with CDBG grant proposals, technical assistance staff will be available to help find solutions to community development problems that either are not suitable for funding under HUD's "Small Cities" program or are of such an urgent nature that action upon them cannot be delayed for another year.

Local governing officials, planning boards, and interested groups, agencies, and individuals desiring further information or assistance should contact Carol Daly, Planning Division, DCA, Capitol Station, Helena, Montana 59601, or telephone 449-3757.

## Planners Set Fall Meeting

The Montana Association of Planners (MAP) has released a tentative agenda for its fall conference, to be held in Bozeman September 27-29. The theme of the conference is "Growth Management."

Highlights include speakers on Montana's Growth Problems, Phase Growth Techniques, Legal Issues, Fiscal Impact Problems, Conservation of Agricultural Land and State Planning Agency Roles.

Copies of the proposed agenda have been mailed to all MAP members. If you're not already a MAP member you can get an agenda by calling your nearest MAP Program Committee member: Gale Allen, Butte, 723-4714; Lisa Anderson, Helena, 442-5000; Paul Bolton, Bozeman, 586-3321; Dave Erickson, Polson, 883-5514; John McMartin, Billings, 245-6144; Roger Pedersen, Helena, 449-2804.

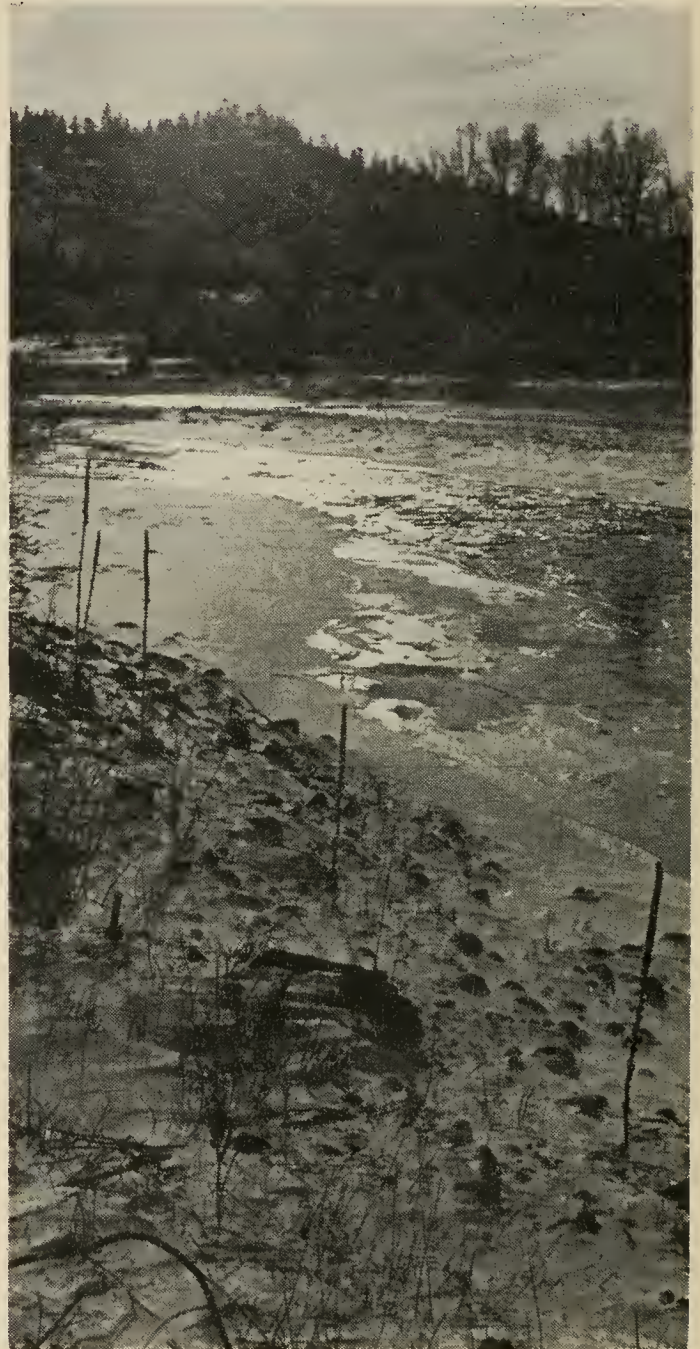
# Lots Must Be Suitable For Building, Oregon Says

Land developers in Oregon must use "reasonable care" to insure building lots they sell are indeed suitable for building, or be liable for losses suffered by purchasers, the Oregon Supreme Court ruled recently.

The court declined to say that the sale of a lot carried any implied warranty that it was free of defects, but indicated that where defects are so severe they render the lot unsuitable for building, and where the developer should have discovered the defect before the sale, the developer could be held responsible for the purchasers' losses.

The Oregon case involved 20 landowners who bought lots on a sand spit; the ocean later severely eroded the area.

"We see no reasons," said the court, "why a land developer who chooses land and lays it out into lots which are sold for the specific and limited purpose of building a dwelling thereon may not be held responsible for losses to purchasers caused by his failure to take reasonable precautions to determine whether the lots he offers are fit for that purpose."



Montana Planning News August 1978  
Volume 1 Number 6

The *Montana Planning News* is published each month by the Planning Division of the Montana Department of Community Affairs. There is no subscription charge. To get on our mailing list, write to the *Montana Planning News*, DCA Planning Division, Capitol Station, Helena, MT 59601 or call (406) 449-3757.

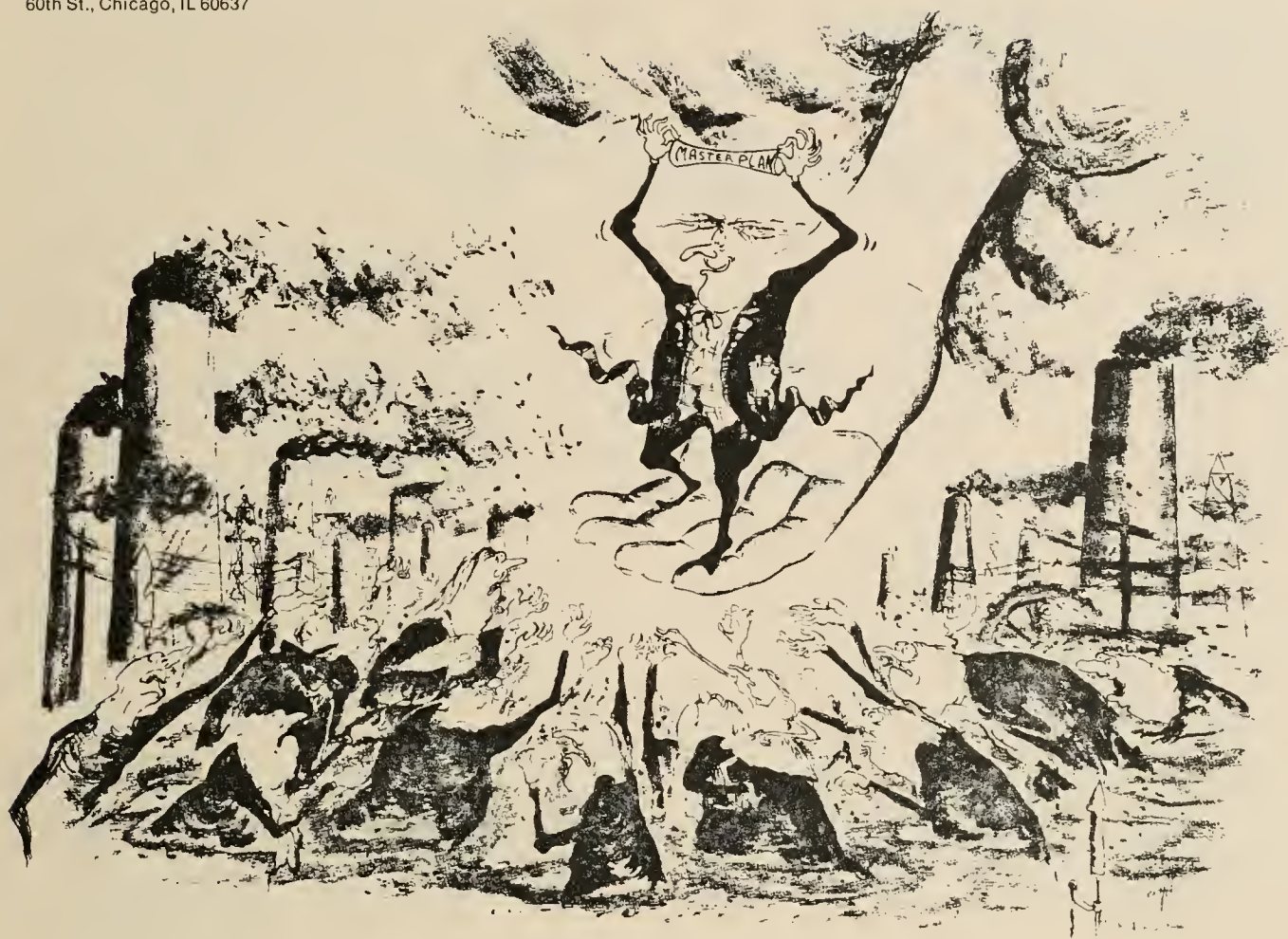
We welcome responses to articles, reader letters and article suggestions.

This publication is financed in part by a grant from the U.S. Department of Housing and Urban Development under the provisions of Section 701 of the Housing Act of 1954, as amended.

# 2 MPN

August  
1978





*"And on the Eighth Day . . ."*

## NGO Reports on Coal Plan Impacts

President Carter's proposed energy plan would mean substantially increased demands on state and local services in coal impact areas, according to a recent report by the National Governors' Association.

The report, entitled "National Energy Plan Coal Production Goals: New Responsibility for the States," looks at possible impacts of Carter's recommendation for doubling the amount of coal mined in the U.S. from 648 million tons in 1975 to 1.265 billion tons in 1985.

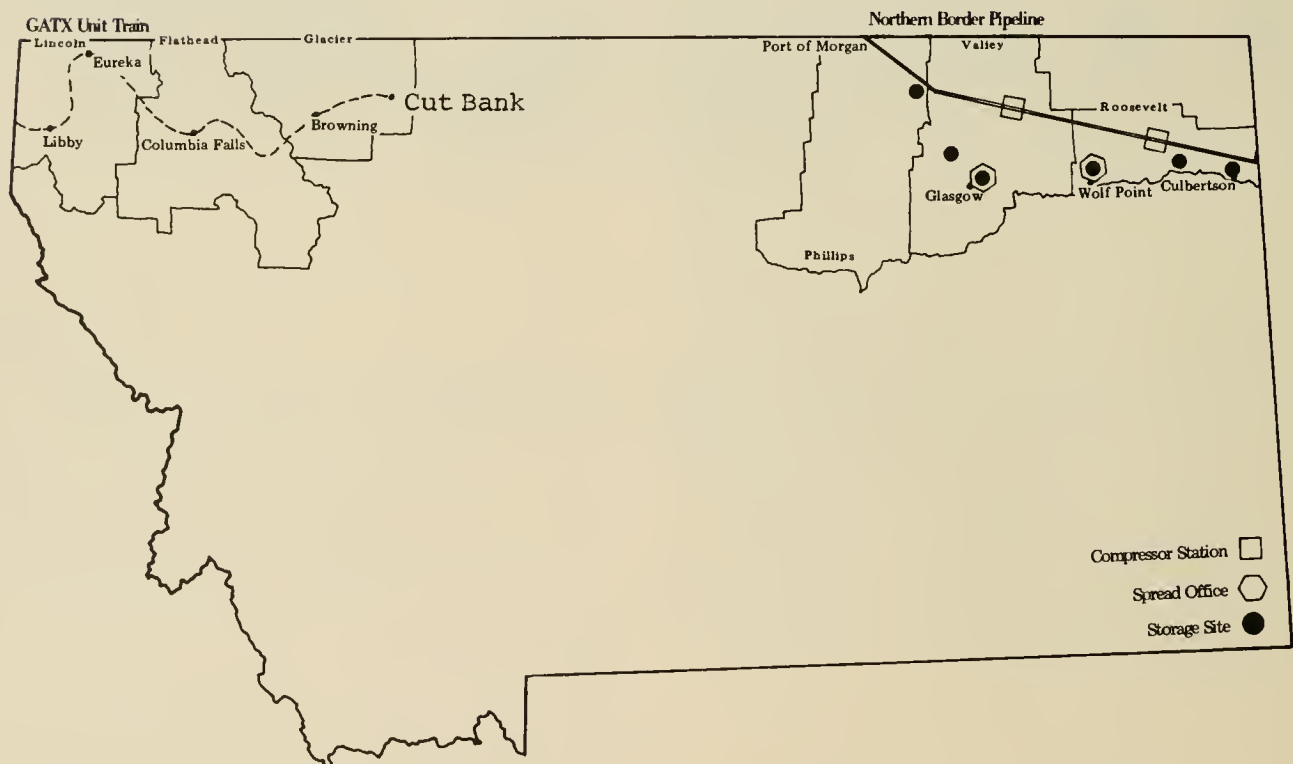
Well-documented adverse impacts of increased coal production include "public facility and services shortfalls, commercial facility and professional services shortfalls, housing shortages, housing price inflation, social disruption and transportation impacts," the report notes.

Even states that do not produce coal must prepare for significant impacts from the coal conversion process in the form of rising energy and industrial prices, expanded facility siting responsibility, increased environmental and transportation problems and a growing complexity in economic planning.

The report concludes with the need for expanded state regulatory and planning efforts for the coal mines, and says: "Regulation of these operations in terms of water quality, reclamation, and, in some cases, health and safety will be a state responsibility."

# GATX & Northern Border:

## Two Energy Projects in Montana's Future?



Another pipeline project proposed for Montana: the Northern Natural Gas Company wants to build 182 miles of its Northern Border Pipeline across Montana, from Port of Morgan in Phillips County, through Valley and Roosevelt Counties to its exit east of Bainville.

The pipeline initially would carry natural gas from Alberta, Canada to a point near Mason City, Iowa. Eventually, Northern Border would match up with other pipelines to form the Alcan Pipeline, which would carry gas from Alaska's North Slope to Dwight, Illinois.

Northern Border would be delivering gas to several areas along its route. Although no deliveries are presently contracted for in Montana, the company reportedly may negotiate with the Fort Peck Reservation for natural gas service.

There was some controversy when company officials presented the project to state officials on August 2. A company executive indicated his belief that a federally approved and supervised project (like the Alcan project) was exempted from state environmental review. Company and state officials agreed to have legal experts research the question.

The 182 miles of pipeline construction would call for two spread crews of 300-400 workers, burying the 42" pipe. The company has indicated its goal of hiring about 40% of the workers from communities along the route.

Construction speed is expected to be around one mile per day, with construction starting in May of 1980 and stated for an "optimistic" completion date of November 1, 1980, as one company official explained.

The company is investigating housing and services for workers in the spread crews. The pipeline construction will require a temporary 100-foot right-of-way, along with space for six 20-acre temporary storage sites and two spread offices. Permanent land requirements in Montana will be a 40-foot right-of-way along the pipeline, two 40-acre compressor stations to pump the natural gas and eleven 4-acre microwave towers for communications and pipeline monitoring.

The pipeline crosses no major streams in Montana; it would be buried beneath or tunneled under all roads. The company estimates 46% of the land along the route is cultivated and 52% is rangeland; it says agricultural operations could resume after construction. The only lasting impact, the company says, is a slight warming of the soil along the pipeline just below each of the compressor stations.

For more information about the Northern Border Pipeline, contact Mr. Karl Frantzen, Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska, 68102.



In the last issue of MPN, we reported on the Northern Tier Pipeline, one of many projects proposed to carry Alaskan crude oil from the west coast to refineries in the Northern Tier States. This month, we've collected preliminary information on another proposal—the GATX Unit Train Project.

The General American Transportation Corporation (GATX) proposes to ship crude oil from Port Westward, Oregon to the Glacier Pipeline Facility at Cut Bank, Montana.

The trains would follow the existing Burlington Northern track, which goes through such Montana towns as Troy, Libby, Eureka, Whitefish, Columbia Falls, Browning and Cut Bank.

One unit train would leave Port Westward every 40 hours; over two million gallons of crude oil would be carried in the 90 cars each trip.

According to a memo from the U.S. Corps of Engineers, which is preparing an E.I.S. on the project, Burlington Northern has never used unit train cars as large as those GATX is proposing, nor has it ever shipped crude oil over the route. However, BN indicated that it had used crude oil unit trains in the Midwest without major incident.

The DCA Planning Division noted two deficiencies in the Corps' outline for the draft E.I.S. for GATX. First, the Corps suggested a "brief summary discussion of potential impacts from unloading operations at Cut Bank," and DCA requested a more thorough analysis.

Second, DCA asked the Corps to look at the potential for and potential impacts of an oil spill along the route in Montana: "The railroad runs adjacent to some of Montana's finest trout waters, including the Kootenai River, Lake Koocanusa, and the Tobacco, Stillwater and the Flathead Rivers . . . in many cases through relatively narrow river valleys."

GATX is in the process of providing a detailed project description to the Corps. For more information on the project, contact Mr. Kim Larson, Department of the Army, Portland District, Corps of Engineers, P.O. Box 2946, Portland, OR 97208/(503) 221-6435.



# COAL SLURRY

*Recently, the U.S. House of Representatives defeated a bill that would have given the Department of the Interior the power to grant federal eminent domain rights to coal slurry pipeline companies.*

*Opponents of the legislation claimed it threatened states' water rights and rail revenues. Backers argued that the measure contained ample protection for the states while providing a needed check to the rising cost of transporting coal by rail.*

*While this bill was defeated, several other coal slurry bills remain before the Congress. Therefore, we decided to reprint the following editorial from the February 16, 1978 issue of the Western News:*

## FROM THE WESTERN NEWS

### Montana Must Protect Its Water

Frightening in its implication for the future of Montana and other western states is the proposal to move coal by slurry lines from mines to power generation sites in the Midwest.

Though southeastern Montana is the only part of the state immediately impacted by the coal slurry plans, the precedent that such an operation would establish could eventually be devastating to the entire state.

In case you don't know, a slurry is a mixture of water and insoluble material such as coal. Pulverized coal mixed with water could be moved in a pipeline, and plans are on the drawing board for slurry pipelines to run from eastern Montana as far as Arkansas.

Since it is unlikely that it will be economical or even possible to return the water to its source after removal of the coal at the termination of the trip, the West will lose all of the water that will go into the pipeline. Dewatering rivers for such a purpose is unthinkable so the water would probably come from subterranean rivers and lakes that underlie the vast rangelands of eastern Montana. The impact upon the water table and the availability of water for irrigation and other agricultural purposes could shatter the economic and social life of our state.

Unfortunately for Montana and other plains states, the Carter administration looks upon the slurry pipeline as a viable plan for transporting coal from mine to generator.

We usually don't worry much about the railroads, since they don't seem to show very deep concern about small towns, but it should be noted that the proposed slurry pipeline would duplicate the function of Burlington Northern and other companies who already have the track and rolling stock to move coal.

Diversion of coal shipments from rail to slurry could be economically disastrous to the railroads that are among the West's largest employers and taxpayers.

A coal slurry pipeline could dissipate an irreplaceable resource. If the Midwest could take eastern Montana's water for slurry, California and the Southwest could demand the surplus flow of the Kootenai, Clark Fork and Columbia. The prospect is frightening.

The Carter Administration's support of the slurry plan is another indication that the Georgia White House crew has little appreciation of or sympathy for the problems of the West.

The West's water, regardless of its source, must stay in the West.



# PUBLICATIONS

**Land Subdivision Regulation: Policy and Legal Considerations for Urban Planning**, Richard M. Yearwood, 1971, 315 pp, \$16.50 (\$14.50 for ASPO members); available from the American Society of Planning Officials, 1313 E. 60th St., Chicago, IL 60637

*Very good discussion of the reasons for regulation, park and school land dedication, timing and location controls, and administration and enforcement of subdivision regulations.*

## GROWTH MANAGEMENT

Lawrence B. Burrows, 160 pp, \$10; available from the Center for Urban Policy Research, P.O. Box 38, New Brunswick, New Jersey, 08903

*"... Discusses the experiences of traditional approaches to growth management, including public acquisition of open space, zoning, interim development controls and division techniques. The author then offers more sophisticated second-generation techniques for controlling suburban growth without stifling it."*

**Guidebook for Establishing a Rural Fire Department**, available from the East Tennessee Development District, 1810 Lake Avenue, Knoxville, Tennessee, 37916; 1976, 17 pp., free.

*The guidebook outlines steps necessary to organizing and operating a rural fire department, and provides some suggestions for funding, equipment, training and technical assistance.*

## DCA Planner Resigns

Jan Blickenstaff, DCA's planner in Eastern Montana for the past 3 years, has resigned that position to accept a planning job in Idaho.

There are no plans to fill his position, due to the current state hiring freeze. Vicki DeSonia, DCA's Field Assistant in Glendive, will assist communities with planning problems as much as her other duties allow. Other problems and questions will be handled by the DCA planning staff in Helena.

**Rapid Growth from Energy Projects/Ideas for State and Local Action**, Department of Housing and Urban Development Office of Community Planning and Development, 55 pp, 1976; available from HUD, 1405 Curtis St., Executive Tower, Denver, CO 80202

*"When a major plant is to be constructed, mining started or expanded, or oil brought in... the small towns and counties... are expected suddenly to make available housing and related facilities, transportation and other essential services."*

*"This book has been prepared through cooperation between the Federal Energy Administration and the Department of Housing and Urban Development, in response to inquiries from officials, firms and private citizens from all parts of the United States asking how to manage growth when an area is suddenly affected by a major energy project."*



# 7 MPN

August  
1978

# Flathead Business Groups Push For Countywide Zoning

Two business organizations are strongly supporting zoning in Flathead County.

The Kalispell Area Chamber of Commerce and the Kalispell Development Corporation have written to the Flathead County Areawide Planning Organization supporting interim zoning of the county. Both organizations are apparently concerned about the negative impacts of commercial development sprawl on the Kalispell business community.

The Development Corporation unanimously approved the zoning concept, saying: "We feel interim zoning is to the best interest of the entire valley. . . ."

The Chamber, in a more lengthy letter, said: "The membership of the Kalispell Area Chamber of Commerce has repeatedly identified the need to manage orderly growth as the number one challenge facing this area. If we are ever to be in a position to plan the growth and development in the Flathead County, now is the time to begin!"

The Flathead Planning Organization cannot institute interim zoning, but it can recommend that step to the County Commissioners. If the Commissioners accept

that recommendation and begin the process to form an interim zoning district, it will mark the second attempt for Flathead County. The Commissioners instituted interim zoning several years ago, but were forced to rescind it when they found they first needed to complete a comprehensive plan for the area. They passed the plan early in this year.



## MONTANA PLANNING NEWS

DCA Planning Division  
Capitol Station  
Helena MT 59601

Bulk Rate  
U.S. Postage  
**PAID**  
Permit No. 2  
Helena, Mt.  
59601





# Montana Planning News

from the  
Montana State Library